

### **REMARKS**

Claims 1, 8, 16 and 23 have been amended. Claims 1-27 are currently pending. Applicant reserves the right to pursue the original and other claims in this and other applications. Applicant respectfully requests reconsideration in light of the above amendments and the following remarks.

Claims 16-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kobayashi et al. (U.S. Patent No. 6,754,158) ("Kobayashi"). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 16 recites a method of fabricating an optical recording medium. The method includes the steps of "preparing a stamper having a prescribed pit pattern" and "forming a disk using the stamper." The "disk [has] the pit pattern in a prescribed area in which a product  $W*L$  of a width ( $W$ ) and a length ( $L$ ) of an  $nT$  pit varies." Further, the " $nT$  pit is continuous and non-divided in a longitudinal direction and has a uniform width for its entire length."

Claim 23 recites a stamper used to fabricate a substrate of an optical recording medium. The stamper has a "prescribed pit pattern." The "pit pattern [is] formed such that a product  $W*L$  of a width and a length of an  $nT$  pit forming the pit pattern varies." Further, the " $nT$  pit is continuous and non-divided in a longitudinal direction and has a uniform width for its entire length."

Kobayashi relates to a recording apparatus and a recording method in which second information (such as characters) is recorded on the optical recording medium. In Kobayashi, an  $nT$  pit of size  $9T$  or larger is divided into two parts (e.g.,  $4T$  each with a  $1T$  space in between for a  $9T$  pit), or pinched in the middle to define two portions. See, e.g., Kobayashi FIG. 23B and FIG. 23C.

By contrast, the claimed invention includes an  $nT$  recording pit that is not divided (e.g., continuous) along the longitudinal axis to change the reflectance, and has a uniform width for its entire length. Accordingly, the  $nT$  pit of Kobayashi is not "continuous and non-divided in a longitudinal direction" and does not have a "uniform width for its entire length," as in the claimed

invention. Instead, in Kobayashi, when the recording pit is absolutely 9T, for example, two portions (e.g., 4T-portions) (recesses) define a single recording pit. Therefore, Kobayashi does not disclose, teach or suggest all of the limitations of claims 16 and 23.

Accordingly, claims 16 and 23 are not anticipated by Kobayashi. Claims 17-22 depend from claim 16 and are allowable along with claim 16. Claim 24-27 depend from claim 23 and are allowable along with claim 23. Applicant respectfully requests that the rejection of claims 16-27 be withdrawn and the claims allowed.

Claims 1-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi in view of Ha (U.S. Patent No. 6,423,478) ("Ha"). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 1 recites an optical recording medium having a visible pattern in a read-only area of a disk. The "visible pattern [is] produced making use of change in reflectance of the disk caused by change in product  $W \cdot L$  of a width (W) and a length (L) of an nT pit formed in the read-only area." Further, the "nT pit is continuous and non-divided in a longitudinal direction and has a uniform width for its entire length."

Claim 8 recites an optical recording medium including a "substrate having a read-only area in which pits are formed." The pits are formed such that "a product  $W \cdot L$  of a width (W) and a length (L) of an nT pit varies according to a prescribed manner." Further, the "nT pit is continuous and non-divided in a longitudinal direction and has a uniform width for its entire length."

As previously discussed, Kobayashi does not disclose, teach or suggest an nT pit that is "continuous and non-divided in a longitudinal direction and has a uniform width for its entire length." Ha is relied upon as teaching a pattern being recorded in a read-only area of a disc (Office Action, pg. 4), and also does not disclose, teach or suggest an nT pit that is "continuous and non-divided in a longitudinal direction and has a uniform width for its entire length."

Accordingly, claims 1 and 8 are allowable over Kobayashi in view of Ha. Claims 2-7 depend from claim 1 and are allowable along with claim 1. Claims 9-13 depend from claim 8 and are allowable along with claim 8. Applicant respectfully requests that the rejection of claims 1-13 be withdrawn and the claims allowed.

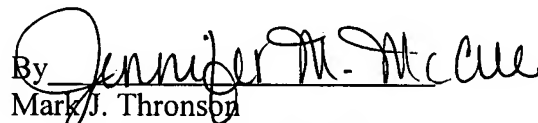
Claims 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi in view of Ha and further in view of Usami (U.S. Patent Application No. 2002/0034155). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claims 14 and 15 depend from claim 8. Claim 8 is allowable over the Kobayashi/Ha combination for at least the reasons discussed above. Usami is relied upon as teaching a disc with a pigment liquid material used for a recording layer and a reflection layer formed over the liquid pigment layer (Office Action, pg. 7) and does not remedy the deficiencies of the Kobayashi/Ha combination as to claim 8. Accordingly, claims 14 and 15 are allowable in view of the cited combination. Applicant respectfully requests that the rejection of claims 14 and 15 be withdrawn and the claims allowed.

In view of the above, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By   
Mark J. Thronson

Registration No.: 33,082

Jennifer M. McCue

Registration No.: 55,440

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorneys for Applicant